

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MID-COM	)	
COMMUNICATIONS, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO OPERATE AS A	)	CASE NO. 92-138
RESELLER OF TELECOMMUNICATIONS	)	
SERVICES WITHIN THE STATE OF	)	
KENTUCKY	)	

O R D E R

This matter arising upon petition of Mid-Com Communications, Inc. ("Mid-Com Communications") filed July 8, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer information contained in Exhibit 1.A and Exhibit 1.B to Mid-Com Communications' response to the Commission's Order of June 8, 1992 on the grounds that disclosure of the information is likely to cause Mid-Com Communications competitive injury, and it appearing to this Commission as follows:

In response to the Commission's Order of June 8, 1992, Mid-Com Communications filed information with the Commission which identifies two of its customers. Mid-Com Communications seeks to protect the identity of these customers from public disclosure.

The information sought to be protected is not known outside of Mid-Com Communications' business. Employees and others involved in Mid-Com Communications' business do not have access to the information except on a need-to-know basis.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

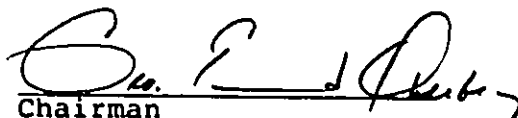
The identity of Mid-Com Communications' customers could be used by its competitors to market their competing services to those customers. Therefore, disclosure of the information is likely to cause Mid-Com Communications competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

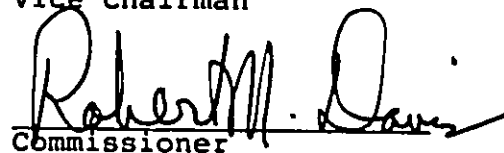
IT IS ORDERED that the customer information contained in Exhibit 1.A and Exhibit 1.B to Mid-Com Communications' response to the Commission's Order of June 8, 1992, which Mid-Com Communications has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky this 23rd day of July, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director